

Child Disability Payment care component - rates and criteria

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Introduction

1. This chapter looks at the criteria of entitlement to and rates of payment of the care component of Child Disability Payment (CDP).

2. This chapter should be read together with the Care Component - Definitions chapter.

3. Individuals must be below the age of 16 when entitlement to CDP begins¹. The exceptions to this is where they are moving to Scotland from the rest of the UK or transferring to CDP under case transfer.

1 CDP regs, reg. 4(2)

4. Individuals must also satisfy the backwards and forwards tests to be entitled to CDP.

5. The backwards test looks at how long an individual has met or is likely to have met the criteria of entitlement. The backwards test for CDP is 13 weeks¹.

1 CDP regs, reg. 11(3)(a)

6. The forwards test looks at how long an individual is likely to continue to meet the criteria of entitlement. The forwards test for CDP is 26 weeks¹.

1 CDP regs, reg. 11(3)(b)

7. The individual must satisfy both tests to be entitled to CDP. This is because they help to distinguish between short-term and long-term need for assistance.

8. The exception to this is if an individual applies under Special Rules for Terminal Illness (SRTI). This is because individuals applying under SRTI do not need to satisfy the backwards or forwards tests¹. They also do not need to meet the specific criteria discussed in this chapter. For more information, see the SRTI chapter.

1 CDP regs, reg. 15(2)(a) and CDP regs, reg. 15(2)(b)

Rates of the care component

9. The care component of CDP has three rates: lowest, middle, and highest¹. An individual's needs determine what criteria they meet and the rate of CDP they are entitled to. For more information on the rates, see the Payment of CDP chapter.

1 CDP regs, reg. 11(5)

Lowest rate

10. Individuals are entitled to the lowest rate of the care component of CDP if they meet at least one of the following¹:

- they require attention from another person for a significant portion of the day in connection with their bodily functions due to their physical or mental disability
- they are aged 16 or older and are unable to prepare a cooked main meal for themselves if they have the ingredients.

1 CDP regs, reg. 11(5)(c)

Middle rate

11. Individuals are entitled to the middle rate of the care component of CDP if they satisfy either¹:

- the day criterion
- the night criterion.

1 CDP regs, reg. 11(5)(b)

Highest Rate

12. Individuals are entitled to the highest rate of the care component of CDP if they satisfy both the day criterion and the night criterion¹.

1 CDP regs, reg. 11(5)(a)

13. Individuals applying under special rules for terminal illness are also automatically entitled to the highest rate of the care component¹. They do not need to meet any of the criteria described below. For more information, see the Special Rules for Terminal Illness chapter.

1 CDP regs, reg. 15(1)(a)

Criteria of the care component

14. An individual is entitled to the care component of CDP for the period throughout which they satisfy at least one of the criteria set out for each rate. The exception to this is the highest rate which requires both criteria to be met.

15. The case manager must consider whether the individual can fairly be described as having needs which meet the criteria throughout the period in question. There is no requirement that the individual's needs are present more than 50% of the time, or "most" of the time. To conclude whether or not an individual meets the criteria for the care component the case manager should review the CDP Care Components – Definitions chapter, including the definition of "period throughout which".

16. Case managers must consider what attention or supervision the individual reasonably requires¹. For more information, see the "Reasonably Required" section of the Care Component - Definitions chapter.

1 CDP regs, reg. 11(8)

17. The individual does not satisfy any of the criteria of entitlement to any rate unless they have either:

- requirements substantially in excess of what someone of their age normally requires¹
- substantial care requirements which younger children without a disability may also have. However, a child the same age as the individual without a disability would not have these requirements².

1 CDP regs, reg. 11(2)(a)

2 CDP regs, reg. 11(2)(b)

18. The above requirements apply only to individuals younger than 16 years old¹. This is because it is important to understand whether a disabled child's needs are due to their age, or are due to their disability.

1 CDP regs, reg. 11(4)

19. References to 'day' and 'night' do not relate to specific times of day. Instead, they are based on the ordinary domestic routine of the individual's household¹. For more information, see the Care Component - Definitions chapter.

1 CDP regs, reg. 11(6)(a)

An individual may have reduced need for attention or supervision due to aids or appliances. This will not necessarily remove the need for attention or supervision, however. For more information, see the Care component – Definitions chapter.

Attention for a significant portion of the day

20. Attention is the provision of personal care, prompting or motivation in relation to bodily functions or assistance with communication needs.

1 CDP regs. Reg. 11(6)(b)

21. An individual is entitled to the lowest rate of the care component of CDP if they need attention from another person for a significant portion of the day in

connection with their bodily functions¹. This must be due to their physical or mental disability.

1 CDP regs, reg. 11(1)(a)

22. This attention can take place during a single episode or multiple episodes during the day.

23. Bodily functions refer to the normal action of any part of the individual's body, including their brain, or any number of parts of the individual's body working together¹.

1 CDP regs, reg. 2

24. If an individual has a disability that affects their bodily functions, it may mean that they require assistance with some or all of the following activities:

- bathing
- getting dressed
- eating
- communicating.

This list is not exhaustive. For more information, see the Care Component – Definitions chapter.

Example: a child entitled to the lowest rate of the care component because she requires attention to her bodily functions

Ziva is 4 years old and has undergone a colostomy operation. She now wears a colostomy bag attached to a stoma in her abdomen. She has been experiencing some minor leaks from the bag. She cannot change the bag herself because of her age. Her mum needs to do this around 3 times a day, for around 20 minutes each time. This involves providing help with changing soiled clothing and changing the bag. Ziva has no other needs resulting from her disability.

The case manager determines that Ziva is entitled to the lowest rate of the care component of CDP. This is because she requires attention for a significant portion of the day. This is about an hour each day. This is a substantial care requirement which is reasonably required. The care required is also greater than what is normally required for a child Ziva's age.

Example: a child is entitled to the lowest rate of the care component because he requires attention in the form of speech therapy

Josh is 5 and has a moderate speech delay identified 18 months ago. He is being given speech therapy at a clinic once a week. His fathers also have therapy to do with Josh 5 days a week. This lasts around 20 to 30 minutes and takes place twice a day.

Josh will sometimes have tantrums because he is not able to communicate his needs. He does not have any other disabilities or health conditions which might affect his development.

The case manager determines that Josh is entitled to the lowest rate of the care component of CDP. This is because his fathers need to provide attention in the form of speech therapy for around an hour each day. This is a significant portion of the day. This is a substantial care requirement which Josh reasonably requires. It is also attention which children Josh's age do not normally require.

Example: a child who is not entitled to the care component because he does not require attention from another person in relation to his bodily functions

Finn is 11 and has Asperger's syndrome. Overall he is able to manage his own bodily functions without any need for attention from another person. He will occasionally require prompting with tasks such as bathing or selecting clothing. He is able to manage everything else without requiring help from another person.

However, Finn requires guidance and supervision when moving around outdoors. This is because he is easily distracted and not always aware of dangers. Finn walks with his father to and from school every week day because he is not able to make the journey on his own safely.

The case manager determines that Finn is entitled to the lower rate of the mobility component of CDP but is not entitled to any rate of the care component. This is because, although he needs occasional prompting, Finn does not need attention to his bodily functions for a significant portion of the day. The information suggests Finn does not need any attention or supervision at night.

Unable to prepare a cooked main meal

25. Individuals aged 16 and over are entitled to the lowest rate of the care component of CDP if they are so severely disabled physically or mentally that they are unable to prepare a cooked main meal for themselves if they have the ingredients¹. This is not a test of cooking ability. Instead, it looks at whether an individual can plan a complex activity and complete that activity safely.

1 CDP regs, reg. 11(1)(b)

Example: a young person who is entitled to the lowest rate of the care component because she is unable to prepare a cooked main meal for herself safely

Ruby is 16 and has severe Raynaud's phenomenon. This causes pain and loss of feeling in her hands and feet. She has been referred to a specialist because of her symptoms.

Ruby is able to wash and dress herself but she has great difficulty with peeling and chopping food. She also has trouble lifting and draining water from pans. Ruby has scalded herself before because she dropped a small pan full of hot water.

The case manager determines that Ruby cannot prepare a cooked main meal for one person on her own. This is because she cannot do it safely. This means she is entitled to the lowest rate of the care component of CDP.

Example: a young person who is not entitled to the lowest rate of the care component because he is able to prepare a cooked main meal

Nizar is 16 and has mild asthma. He takes a preventative inhaler twice a day in the morning and evening without needing help. His condition can flare up in winter which results in his condition worsening.

This normally happens 2 to 3 times a year with the exacerbation lasting between 3 to 5 days on average. He is able to deal with this himself using a reliever inhaler. Nizar has never had to have steroids prescribed or been admitted to hospital for his asthma.

The case manager determines that Nizar is not entitled to any rate of the care component of CDP. Although breathing is a bodily function and Nizar's asthma affects his breathing, he does not require attention from another person. It is also unlikely that Nizar would become so breathless while preparing food that he could not do it.

Additionally, Nizar does not meet the backwards and forwards tests. This is because Nizar's asthma only flares up for short periods of time during winter. This means he is not entitled to any rate of the care component of CDP.

The day criterion

26. To satisfy the day criterion, an individual must require either:
- frequent attention throughout the day in connection to their bodily functions¹
 - continual supervision throughout the day to avoid substantial danger to themselves or others².

1 CDP regs, reg. 11(1)(c)(i)

2 CDP regs, reg. 11(1)(c)(ii)

These needs must be due to the individual's physical or mental disability.

27. Supervision is the precautionary or anticipatory presence of another person to monitor an individual's:
- physical health
 - mental health
 - emotional health¹.

1 CDP regs, reg. 11(7)

28. This includes monitoring for obstacles or dangerous places or situations.

Example: a child is entitled to the middle rate of the care component because she requires frequent attention throughout the day in connection with her bodily functions

Kaleelah is 8 and has autism. She requires frequent attention during the day to help her communicate because she will only speak to specific individuals. When she does speak, Kaleelah's speech is unclear. Her parents use a sign board to help her communicate.

Kaleelah needs encouragement to wash and bathe. Her clothes also need to be laid out in a certain way when she gets dressed. Kaleelah is only able to wear certain colours and fabrics because of overstimulation. Finally, Kaleelah needs a strict routine because sudden or unexpected changes make her extremely anxious. This can result in her needing constant reassurance.

The case manager determines that Kaleelah's needs satisfy the day criterion. This means she is entitled to the middle rate of the care component of CDP. Kaleelah's care requirements are substantially greater than the level of care that children Kaleelah's age normally require.

Example: a child who is entitled to the middle rate of the care component because she requires continual supervision

Rhian is 7 years old and has spina bifida. This is a condition where the spine and spinal cord do not develop properly in the womb, causing a gap in the spine. Rhian had surgery to close this gap not long after she was born.

Rhian is able to walk and move around the house for short periods of time. This is because her legs are weak and she needs to rest frequently or be carried.

Rhian also has a loss of skin sensation in her legs which means she cannot feel hot or cold temperatures. This has led to injuries in the past. Rhian's parents need to watch her closely because of this.

The case manager determines that Rhian is entitled to the middle rate of the care component. This is because Rhian needs continual supervision throughout the day to avoid her getting injured. The level of care Rhian requires is greater than is normally required for children her age.

Example: a child who is not entitled to the care component because she does not require continual supervision

Ella is 9 and has a food allergy to eggs and peanuts. She has been prescribed an Epipen and her mother has been trained to use it if needed. The teachers at her school have also been given training on how to use the Epipen. They also know the signs to look out for in case Ella has an allergic reaction while at school. A 'no nuts' policy has been instituted to accommodate Ella's need to avoid peanuts.

Ella will need to attend hospital immediately if she does come into contact with eggs or peanuts. This has happened twice so far since Ella was diagnosed at age 3. Ella's mother always takes pre-prepared food when eating outside the house, including packed lunches at school.

The case manager determines that Ella is not entitled to the care component of CDP. This is because, while Ella does require supervision, it is not continual. . Additionally, Ella and her mother have become familiar with which foods to avoid. This means they can minimise the chance of Ella having an allergic reaction.

The night criterion

29. To satisfy the night criterion, an individual must require either:
- prolonged or repeated attention at night in connection with their bodily functions due to their physical or mental disability^{1,2}
 - for another person to be awake for a prolonged period of time or at frequent intervals to watch over them to avoid substantial danger to themselves or others².

1 CDP regs, reg. 11(1)(d)(i)
2 CDP amendment regs, reg. 7
3 CDP regs, reg. 11(1)(d)(ii)

30.

31.

32. For a definition of 'prolonged' and 'watching over', please see the CDP Care Component – Definitions chapter.

Example: a child entitled to the middle rate of the care component because she requires repeated attention at night

Musa is 3 years old and has been recently diagnosed with ADHD. During the day she needs attention and supervision from her mother which is typical for someone of her age. At night, Musa has trouble getting to sleep. Her mother puts her to bed at 8:00 PM each evening and goes to bed herself at around 10:30 PM.

Musa will normally take around an hour to settle and can wake up several times a night. The first time this happens is normally between 10:00 PM and midnight. Her mother will then have to settle her into bed again. This can take between 20 minutes to an hour. This might happen 1 or 2 more times before they both get up at 7:00 AM. This pattern of waking up at night normally occurs at least 5 times a week.

The case manager determines that Musa satisfies the night criterion and is entitled to the middle rate of the care component of CDP. This is because Musa reasonably requires repeated attention from her mother to settle her into bed and get her to sleep when she wakes up at night. The attention she requires is prolonged because it lasts longer than 20 minutes. The attention is also greater than what is normally required for a child Musa's age. This is because children of Musa's age do not

normally wake up repeatedly through the night. Even when they do, it does not happen so frequently.

Example: a child who does not meet the night criterion because he does not require attention at night because of his disability

Raza is 7 and has a visual disability. During the day, Raza requires attention from another person in connection with his bodily functions. The case manager determines that Raza meets the day criterion after considering the evidence.

Raza goes to bed at 9:00 PM and wakes up at 7:30 AM. His parents have begun checking on him at night because he has started sleepwalking. He sleepwalks between three to five times a month. They do this before going to bed at around 11:00 PM and when they get up at 7:00 AM. They also occasionally check on him in the middle of the night if they hear noises in their home. Raza has injured himself previously while sleepwalking. His parents have installed stair gates to help prevent him walking into unsafe places during the night.

The case manager determines that Raza meets the day criterion but not the night criterion. This means he is entitled to the middle rate of the care component of CDP.

This is because his sleepwalking is not connected to his visual disability.

Example: a child who is entitled to the middle rate of the care component because he requires more repeated attention at night than what is normal for children his age

Sam is 12 and is experiencing nocturnal enuresis. On average, Sam will wet the bed between five and seven times a week. His parents check on him frequently to make sure he is dry. If he is not, they will wake him up so he can change while they change the bedding. Sam will then need to be settled back into bed. Sam does not have any trouble with his bladder during the day and has no other disabilities or health conditions.

Sam has recently started a new treatment which combines medication and an alarm which will go off if it detects wetness during the night. Sam's parents must be ready to get up and help Sam if the alarm goes off.

The case manager determines that Sam satisfies the night criterion and is entitled to the middle rate of the care component of CDP. This is because he requires repeated attention to his bodily functions from his parents at night. Sam's needs are substantially greater than what is normally required for children of his age.

Satisfying the day and night criteria

Example: a child who is entitled to the highest rate of the care component because she satisfies the day and night criteria

Maia is 10 years old and has a recent diagnosis of tonic-clonic epilepsy. This means she experiences seizures during which she convulses and briefly loses

consciousness. There is no obvious trigger for the seizures. They can occur any time during the day or night.

Maia can become incontinent during seizures and is confused, upset and drowsy afterwards for several hours. Her consultant is trying several different medications to get the condition under control.

When her parents see a seizure beginning, they have to make sure she is safe from anything that could cause her danger such as bathing or eating. She then needs to be laid out in a recovery position, making sure her airway is clear so she does not choke.

Maia needs to be reassured and comforted afterwards before needing to go to sleep. At night, one of her parents stays awake to check on her frequently because they must be ready to intervene if she has a seizure while asleep.

The case manager determines that Maia is entitled to the highest rate of the care component of CDP. This is because she satisfies both the day and night criteria.

Maia requires frequent attention and continual supervision during the day. She also requires repeated attention with her bodily functions at night. Her parents also watch over her for prolonged periods of time in case she has a seizure while asleep. The attention and supervision she requires is far greater than what is normally required for children Maia's age.

Renal dialysis and the care component

33. Individuals undergoing renal dialysis as a result of a disability or physical impairment at least twice a week are also entitled to the care component of CDP. They can be entitled to either the middle or highest rate depending on when the dialysis takes place. For more information, see the Renal Dialysis chapter.